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COMPARISON OF SENATE AND HOUSE BILLS

TO PROVIDE FOR

HOME RULE IN THE DISTRICT OF COLUMBIA

BEFORE

JUDICIARY SUBCOMMITTEE

OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA

FEBRUARY 20, 1952

(S. 1527, H. R. 28, and S. 1976)

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COMPARISON OF BILLS (S. 1527, H. R. 28, AND S. 1976) TO PROVIDE FOR HOME RULE IN THE DISTRICT OF COLUMBIA

Subject	S. 1527	H. R. 28	S. 1976
1. District committees in Congress.	1. Retains existing District of Columbia committees.	1. Creates Joint District of Columbia Committee with 25 members: 13 Representatives, 11 Senators, 1 Delegate. Abolishes existing District of Columbia committees.	1. No change in District of Columbia committees.
2. Delegate to Congress	2. No provision for	2. Provides for a nonvoting Delegate in Congress elected in odd-numbered years for 2-year term.	2. Provides for a nonvoting District Delegate in Congress elected in even-numbered years for 2-year term. Delegate shall be qualified elector, at least 25 years old, 3 years resident and domiciled in District, and member of House District of Columbia Committee.
3. District Council	3. Creates a District Council with 9 elected members and 2 appointed by President with consent of Senate.	3. Creates a District Council with 12 elected members.	3. Creates a District Council of 15 members, 3 elected from each of 5 wards in even-numbered years for 2-year terms.
4. Qualifications for Councilmen.	4. Must be qualified elector, resident and domiciled in District, holding no other elective public office, and no District-paid appointive office.	4. Same as S. 1527	4. Must be qualified electors, duly registered and nominated.
5. Compensation of Councilmen.	5. $5,000 a year. Chairman to receive $7,500 plus $3,000 expense account.	5. $3,000 a year	5. $3,000 a year, plus expense allowances. Chairman to receive $5,000 a year.
6. Functions of Council	6. Acquires ordinance-making powers of Board of Commissioners and Zoning Commission, both of which are abolished. May pass legislative proposals on any subject within power of Congress in its capacity as legislature for District of Columbia. May not pass proposals or ordinances on 6 enumerated subjects. Can create and abolish advisory boards.	6. Same as S. 1527	6. Acquires functions of Board of Commissioners and Zoning Commission, except those conferred on Mayor or delegated by Commissioners. May pass ordinances to carry out transferred functions, confirm or reject Mayor's nominations, create advisory boards and commissions, reorganize existing agencies, adopt District budget, levy and collect taxes, override Mayor's veto, and legislate on any subject within its power. May not pass ordinances on 6 enumerated subjects.
7. Organization and procedure of Council.	7. Election of Chairman for 2-year term; appointment and duties of secretary; first meeting called by member having highest vote; regular weekly meetings except during July and August; form of legislative proposals and ordinances; to be considered 13 days before passage; procedure for zoning ordinances; ⅔ vote required to pass them over NCPPC disapproval; power to investigate and punish contumacious witnesses.	7. Same as S. 1527 except that presiding officer is called "Mayor"; provides for acting Mayor during absence, disability, or nonelection; first meeting called by chairman of Joint Committee; meetings open to public and participation of D. C. officers; prescribes methods of conducting business; ¾ vote to pass zoning ordinances over NCPPC disapproval.	7. Election of Chairman for 2-year term; appointment and duties of secretary; first meeting called by member having highest vote; regular weekly meetings except during July and August; meetings and records open to public; right of petition; appointment of committees; ordinances and resolutions enacted by majority vote; to be considered 13 days before passage; procedure for zoning ordinances; ⅔ vote required to pass them over NCPPC disapproval; power to investigate and punish contumacious witnesses.

COMPARISON OF BILLS (S. 1527, H. R. 28, AND S. 1976) TO PROVIDE FOR HOME RULE IN THE DISTRICT OF COLUMBIA—Continued

Subject	S. 1527	H. R. 28	S. 1976
8. Legislative veto procedure	8. Legislative proposals of Council to be deposited with Congress, referred to District of Columbia committees, numbered, and published in Record and as documents. Such proposals to become law if not disapproved by concurrent resolution within 45 days after deposit or by President within 10 days after submission. Such proposals to become law in emergencies, on certification by President of Senate and Speaker. Reserves power to Congress to enact, amend, or repeal District laws. Prescribes procedure for disapproving legislative proposals, including limits on debate. Bond issues to be submitted to referendum and approved by majority vote.	8. Legislative proposals to be deposited with joint committee, numbered, and published. No proposal to become law without express statutory approval by Congress. Referendum on bond issues same as in S. 1527.	8. No provision for; but Congress reserves right to enact District legislation at any time on any subject, including legislation to amend or repeal any law in force in District of Columbia.
9. District Manager	9. Council to appoint a District Manager to serve at its pleasure; his salary to be fixed by ordinance. To be chief executive officer of District of Columbia government. Has power to appoint and remove executive personnel, supervise administration, prepare reports, advise Council, delegate duties, appoint assistants. Transfers certain central service agencies and their functions to office of Manager. Authorizes Manager to create, reorganize, and abolish offices and positions in his office.	9. Same as S. 1527, plus express provision for removal of Manager by Council and payment of severance allowance for an acting Manager; for a District Archivist and Archives Commission.	9. No provision for. President to appoint a Mayor, with Senate's consent, for 4-year term. Mayor to receive $15,000 a year, plus $2,500 expense allowance. Must be District resident and domicile for 3 years. To be chief executive officer of District government. Has power, with Council's consent, to appoint and remove executive personnel, supervise administration, prepare reports, advise Council, delegate duties, veto ordinances, propose legislation to Congress.
10. District budget	10. Council authorized to provide for and adopt an annual budget effective July 1, and to appropriate funds for emergency purposes. No provision for congressional review of District of Columbia budget; leaves budgetary details to be fixed by Council.	10. Prescribes procedure for preparation and submission of budget by Manager to Council, for public hearings thereon and revision thereof, for its adoption and deposit with joint committee, for the latter's review and recommendations, and for final action by the Council. Manager to submit a budget message to Council explaining current operations and capital improvements. Prescribes contents of budget. Total anticipated revenues shall equal or exceed total proposed expenditures. Authorizes Council to make emergency appropriations.	10. Same as S. 1527, except that the Council may make supplemental rather than emergency appropriations.

11. Borrowing	11. District can incur debt by issuing bonds for capital projects, not exceeding 5 percent of assessed value of taxable real property. Bond issues subject to referendum approval. Maximum maturity 30 years or life of improvement. Bonds to be sold publicly and paid in annual installments. Short-term emergency borrowing permitted, not exceeding 5 percent of current appropriations. Borrowing allowed in anticipation of revenues, not exceeding 25 percent of current revenues. (Council authorized to levy property taxes to pay bonds and notes.)	11. Same as S. 1527 except that debt is limited to 3 percent of assessed value of taxable real property, and bond issues must also be approved by Congress.	11. Practically the same as S. 1527, except that (a) a majority vote of Council is specified for enactment of bond issue ordinances; and (b) borrowing may not exceed 20 percent of anticipated revenues.
12. Financial administration	12. Describes powers and duties of Finance Director; provides for work programs and allotment of funds; for accounting supervision and control; for annual post audit of District finances by GAO; and for payment for intergovernmental services. Creditor government to be reimbursed for net cost of such services.	12. Same in substance as S. 1527, except that cost of intergovernmental services shall be paid by agency rendering them and be reimbursed by agency receiving them, after billing.	12. Same as S. 1527, except that duties are assigned to Mayor, through his duly authorized subordinates, instead of to the Finance Director. Leaves payment of intergovernmental services to be adjusted by agreement between Mayor and Budget Director.
13. Executive departments	13. Consolidates present administrative agencies of District of Columbia into 12 departments along functional lines. 12 departments are: Health, Welfare, Recreation, Public Safety, Finance, Law, Public Works, Libraries, Labor, Commerce, Corrections, Professional and Occupational Standards. Each department headed by a director appointed and removable by Manager. Directors' salary to to be fixed by Council. Directors may reorganize their departments, with Manager's approval. Council may reorganize or abolish boards or commissions transferred to executive departments.	13. Same as S. 1527, with 2 exceptions: (*a*) S. 1527 required cost of maintaining and improving National Park Service facilities used by the District of Columbia Recreation Department for public recreation programs to be borne by District, while H. R. 28 makes such cost a Federal expense (sec. 1004–b); (*b*) councilmanic resolutions authorizing Public Works Director to acquire land for recreational use, over disapproval of NCPPC, would require two-thirds vote under S. 1527 instead of ¾ under H. R. 28 (sec. 908–c).	13. Does not provide for administrative reorganization of the District government.
14. Independent agencies	14. Maintains the independent status of four agencies and provides for their appointment by the Chairman of District Council, with consent of Council: Redevelopment Land Agency, Zoning Adjustment Board, Public Utilities Commission, Board of Tax Appeals.	14. Same as S. 1527, except that first appointees to PUC would be by President with consent of Senate.	14. Makes no reference to this subject.
15. Board of Education	15. Establishes a Board of Education, with 7 members elected by qualified electors of District, to perform functions of present Board and administer vocational rehabilitation in District. Board members must be qualified electors, resident and domiciled in District of Columbia, hold no other elective public office, or District-paid appointive office. To receive $20 per meeting attended. Board to appoint a Superintendent of Schools, elect its own president whose term is 2 years, and appoint a secretary. Three members of Board, appointed by its president, shall be the Commission on Vocational Rehabilitation, which shall appoint a director who shall appoint a staff.	15. Same as S. 1527, except that Board shall have 8 members and receive $10 per meeting attended. Denies free instruction to nonresident pupils.	15. Same as S. 1527, except that Board of Education shall consist of 5 members, elected by wards, who must reside and be domiciled in ward from which nominated for 1 year, and in District for 3 years prior to nomination, and must reside in ward during term of office.

COMPARISON OF BILLS (S. 1527, H. R. 28, AND S. 1976) TO PROVIDE FOR HOME RULE IN THE DISTRICT OF COLUMBIA—Continued

Subject	S. 1527	H. R. 28	S. 1976
16. District elections	16. Creates 5-member Board of Elections, appointed by President with consent of Senate, for 6-year terms at $1,500 a year. Members must be qualified electors, resident and domiciled in District, hold no other office or employment in District of Columbia government. Board to conduct registrations and elections, including a general election on Mar. 7, 1950, in November of odd-numbered years beginning with 1951, and on bond issues in even-numbered years. Elected members of Council and School Board to serve 4-year staggered terms. Vacancies on Council to be filled by President with consent of Senate. Vacancies on School Board to be filled by its president with Board approval. Elections to be nonpartisan, secret, at large, by ballot or voting machine, and by plurality vote. Qualified electors shall have maintained a domicile or place of abode in the District for 1 year, be United States citizens 21 years old, not convicted felons or, if so, pardoned, and not mentally incompetent. Registrants must be qualified electors, with domicile or place of abode in District for 9 months, and must execute a registration affidavit. Persons not permitted to register may appeal to Board of Elections and Municipal Court. Qualified candidates shall be registrants nominated by petitions having 90 signatures, with filing fee of $30 for Council, $25 for School Board, and affidavit as to residence and domicile. Members of Congress and of Elections Board may not be candidates. No absentee voting. Upon petition, District Court may review an election, void all or part of it, and order a special election. Interference with registration or voting is forbidden. Violators of election laws may be fined up to $500 or imprisoned 6 months, or both.	16. Same as S. 1527, except that H. R. 28 provides for both primary and general elections; for election by majority vote; for election of a Delegate; for numbering the places on the Council and School Board; for a literacy test for registration; and for keeping the registry open for a stated period, keeping it accurate and current, and for purging the registration lists. Vacancy on Council to be filled by Mayor with consent of Council.	16. Same as S. 1527, except that (a) general elections shall be held in even-numbered years; (b) a District Delegate shall be elected; (c) terms of office of Council and School Board shall be 2 instead of 4 years and shall not be staggered; (d) qualified electors must certify they have not voted within 2 years in a municipal election elsewhere, or in any election elsewhere within 2 years if voting for Delegate; (e) nominating petitions shall be signed by not less than 1 percent of registered voters in candidate's ward, and be accompanied by filing fee of $100 if candidate for Council or Delegate; (f) ballots must list candidates by wards and ward method of voting is prescribed; and (g) absentee voting is permitted.
17. Initiative, referendum, and recall.	17. No provision for, except for referendum on bond issues and on adoption of charter.	17. Same as S. 1527	17. Ordinances may be approved or repealed in referenda by majority vote. Bond issues require public approval by referendum.

18. Civil service	18. Subjects, with certain exceptions, all District of Columbia government offices and positions to Civil Service Act of 1883, as amended, and to Classification Act of 1923. Assigns classified status to all present District of Columbia officers and employees who successfully qualify in a non-competitive examination. Intergovernmental transfers may retain civil-service status. In selecting persons for District of Columbia jobs from civil-service registers, Manager shall give preference to persons residing in metropolitan area. Only such residents may take special examinations for District of Columbia positions. Council shall fix pay of District of Columbia employees not covered by Classification Act and not otherwise fixed by law. District of Columbia government to bear cost of its liability for retirement of District officers and employees and of services by Civil Service Commission.	18. Contains no civil-service title. It was omitted to shorten the bill.	18. Same as S. 1527, except that the word "Mayor" is substituted for "Manager" wherever it appears, and except that the Civil Service Commission shall report the noncompliance of the District with its requirements to the President instead of to Congress.
19. Miscellaneous provisions	19. District and Federal Governments authorized to contract for intergovernmental services at cost, paid for by recipient agencies. Personal interest in contracts or sales forbidden. District to bear cost of residents and prisoners committed to St. Elizabeths. Register of Wills to be known hereafter as Clerk of Probate Court; to be appointed and removable by chief judge of District Court; his fees to be paid to Finance Director. Ex officio members of NCPPC increased to 7; appointed members from 4 to 6; NCPPC to develop master plan for both District of Columbia and Federal Governments. NCHA is continued as a Federal agency with certain added duties. Dual compensation allowed, with certain exceptions. Soldiers' Home, NCPPC, and District of Columbia National Guard to be Federal agencies.	19. Substantially the same as S. 1527, with following exceptions: Cost of intergovernmental services to be paid by government rendering them and reimbursed by government receiving them; publicity of District records; review of proposed District of Columbia legislation by Budget Bureau not required; title of Register of Wills not changed; chairman of joint committee also to be an ex officio member of NCPPC; defines composition of NCHA.	19. Same as S. 1527, except that six sections of the Miscellaneous Title are omitted, namely, those referring to: St. Elizabeths Hospital, Register of Wills and Clerk of Probate Court, National Capital Park and Planning Commission, National Capital Housing Authority, certain functions now administered by Federal agencies, and miscellaneous Federal agencies.
20. Succession in government.	20. Transfer of functions between agencies to be accompanied by transfer of property, records, and unexpended balances. Provides for settling disputes arising out of transfers. Existing statutes, etc., to continue in effect, mutatis mutandis. Pending judicial and administrative actions to be continued. Until July 1, 1950, no vacancy in a District agency caused by abolition of Board of Commissioners shall affect its power to function.	20. Same as S. 1527	20. Same as S. 1527.
21. Temporary provisions	21. President authorized to issue regulations to cover transition between enactment of bill and first meeting of Council. Authorizes appropriation of $500,000 to District of Columbia for fiscal 1950 to pay expenses of Charter Referendum Board and Board of Elections. United States to be reimbursed for such expenditures during fiscal 1951.	21. Same as S. 1527	21. Same as S. 1527.

COMPARISON OF BILLS (S. 1527, H. R. 28, AND S. 1976) TO PROVIDE FOR HOME RULE IN THE DISTRICT OF COLUMBIA—Continued

Subject	S. 1527	H. R. 28	S. 1976
22. Charter referendum	22. Creates a 5-member Charter Referendum Board, appointed by President, to conduct a popular referendum on charter on Nov. 15, 1949. Specifies powers and duties of Board. Provides for registration of electors, form of ballot, and method of voting. Charter to be accepted by majority vote of registered qualified voters. Board to certify result to President not later than Dec. 21, 1949. Interference with registration or voting prohibited; penalties for violations.	22. Same as S. 1527, except that ability to read and write English and proof of domicile in the District are required of registrants (sec. 1903–d).	22. Same as S. 1527, with appropriate changes in dates.
23. Federal contribution	23. Prescribes formula for Federal contribution to District expenses. Beginning with fiscal 1952, authorizes appropriation of sum equal to 20 cents for each dollar of local District of Columbia revenue received during preceding fiscal year. $1,000,000 of payment to be credited to water fund; remainder to general fund. Budget Director to certify amounts authorized to Manager. Payments to be made by Secretary of Treasury to Finance Director on or before July 31. If District revenues exceed expenses in any year, surplus shall be used for public schools.	23. Beginning with fiscal 1952, authorizes annual appropriation to District of $1,000,000, plus 14 percent of total locally derived District revenues during previous fiscal year, or $15,000,000, whichever amount is smaller, $1,000,000 thereof to be credited to water fund; remainder to general fund. Budget Director to certify amounts authorized to Manager. Payments to be made by Secretary of Treasury to Finance Director on or before July 31.	23. Contains no reference to a Federal contribution.

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